

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
and the estate of Bernard L. Madoff,

Plaintiff,

v.

LEGACY CAPITAL LTD.,

Defendant.

Adv. Pro. No. 10-05286 (SMB)

CERTIFICATION TO COURT OF APPEALS BY ALL PARTIES¹

Notices of appeal having been filed in the above-styled matter on November 22, 2019, ECF No. 232, and November 26, 2019, ECF No. 234, appellant/cross-appellee Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa *et seq.*, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff, together with appellee/cross-appellant Legacy Capital Ltd. (“Legacy,” together with the Trustee the

¹ This certification complies with Official Bankruptcy Form 424.

“Parties”), hereby certify to the Court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter:

- ☐ is required under 28 U.S.C. § 158(a)
☒ is not required under 28 U.S.C. § 158(a)

This certification arises in an appeal and cross-appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the Southern District of New York entered on November 12, 2019 ECF No. 231.

The Parties agree that certification is appropriate because: (1) the judgment involves a matter of public importance; (2) the judgment involves a question of law requiring resolution of conflicting decisions; and (3) an immediate appeal from the judgment may materially advance the progress of the case or proceeding in which the appeal is taken. *See* 28 U.S.C. § 158(d)(2)(A)(i)-(iii).

The Trustee also believes certification is appropriate because the judgment involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States. *See* 28 U.S.C. § 158(d)(2)(A)(i).

November 26, 2019
New York, New York

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H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff Capital Ltd.